



State of Delaware  
Commission on Forensic Science  
(CFS)

Minutes - 9/12/16

10:00 a.m. – 12: 00 Noon

Division of Forensic Science - 1<sup>st</sup> Floor Conference Room  
200 South Adams Street  
Wilmington, DE 19801

**1. Welcome and Call to Order**

- The meeting was called to order by Secretary Rita Landgraf. She provided a brief welcome and thanked everyone for coming this morning. Secretary Landgraf said due to the recording of the minutes, we are going to go around the room and introduce ourselves, and we also ask our guests to do the same. so that Pat can make sure she has a record of everyone who is attending. Because of being recorded, Secretary Landgraf asked that everyone please use their “outside voice” as she thinks the last time the recorder might not have picked up everything, so just as a reminder, please project whenever you are speaking. In attendance were:

**Voting Commission Members**

Secretary Rita Landgraf  
Chief Randall L. Hughes  
Major John Evans  
DAG Sean Lugg  
Representative John Mitchell  
Secretary James N. Mosley  
Lisa Schwind, RN, Esquire  
Anita Symonds, RN  
Clytrice L. Watson, Ph.D.

Department of Health & Social Services - **Chair**  
Delaware Police Chiefs’ Council - **Vice-Chair**  
Delaware State Troopers Association  
Department of Justice-Deputy Ms. General  
Delaware House of Representatives  
Department of Safety & Homeland Security  
Office of Defense Services-Public Defender’s Office  
Christiana Care  
Interim Dean-College of Math, Natural Sciences &  
Technologies, Delaware State University

**Non-voting Attendees**

Kimberly Chandler  
Johna Esposito

DSHS Deputy Principal Assistant/Acting DFS Director  
Supervisor of Forensic Toxicology/Acting QA Manager

### **Additional Non-voting Attendees** (Continued)

Jill Fredel	DHSS - Communications Director
Art Jenkins	Sr. Legislative Analyst-Office of the Controller General
Isabella Kaplan	DTI - Customer Engagement Specialist
DAG Jennifer Noel	Department of Justice-Deputy Ms. General
Esteban Parra	Reporter - The News Journal Media Group
Rebecca Walker	DFS - Chief Operating Officer

### **Council Support**

Patricia McIlvaine	Division of Forensic Science
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### **Absent Voting Commission Members**

Senator Robert Marshall	Delaware State Senate
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## **2. Approval of the Minutes**

- Secretary Landgraf said she would like to entertain a motion to approve the minutes as presented to Commission members. She said she is anticipating that we will probably have some updates which reflect back on the meeting minutes as there was a lot of good discussion, so keep that in mind as we go through our meeting. Secretary Landgraf said there will be some items which will automatically be updated and, if there are other items that are not, they can be brought up in the “Open Discussion” portion of our meeting. DAG Sean Lugg said that before we entertain a motion for approval, he said there are four non-substantive corrections that are needed: (1) on page 7, the paragraph beginning with Ms. Lisa Schwind ..., the phrase “will be brought” is repeated twice, strike one; (2) on page 12, the paragraph beginning with Major Evans, about two-thirds of the way down, “... the state has encumbered those costs” should be “...incurred those costs”; 3) on page 15, at the end of the page, the word was typed “pur” and should be changed to “our” and (4) on page 21, a comment by Chief Hughes should read “would like to thank the HIDTA team... “. DAG Lugg reiterated that these items are not substantive and we should go forward with the motion to approve. Secretary Landgraf thanked DAG Lugg for his input and said now with these changes, she would entertain a motion to approve. Secretary Mosley made a motion to approve; Major Evans seconded the motion. Secretary Landgraf then asked if there were any corrections, comments or questions, and if anyone was opposed or wished to abstain. Hearing no objections, all voting members in attendance unanimously voted to approve the minutes of the July 12, 2016 meeting.

### 3. Appointment of New DFS Director

- As we are all aware, said Secretary Landgraf, Michael Wolf resigned over the summer as Director of the Division of Forensic Science. She said Secretary Mosley will give us an update today relative to that position of Director. Secretary Landgraf then turned the meeting over to Secretary Mosley.
- Secretary Mosley thanked Secretary Landgraf for the introduction. He then shared that an interview panel had been formed and the panel subsequently conducted interviews with the five applicants for the position of Director. The panel's unanimous decision was given to him this past Wednesday (9/7/16). The Secretary said that after discussions with the Governor and his team, the Governor concurred with the panel's choice. The Secretary said he has since talked to the person we selected and he has accepted. Secretary Mosley then announced that the person who accepted is our very own Major John Evans. He has been appointed to take the seat as Director of DFS and Major Evans will be providing us with the date he is available as he needs time to pack up and vacate his current position. Hopefully, said the Secretary, all will concur it was the right decision and we are looking forward to working with him in the very near future and for a very long time (verbal congratulations and applause ensued). Secretary Landgraf asked Major Evans if he would like to say a few words about his appointment.
- Major Evans responded that he would first like to say that he is extremely humbled by the confidence that was placed in him by the interview panel, and the Secretary, in providing him this opportunity to serve as Director. He said that some people, perhaps even some Commission members here, may question that he is not a scientist, but he would like everyone to know that he does have a basic understanding and a great deal of respect for the sciences that go on in this building. Major Evans said he would be the first to agree that he is not a scientist, but what he does offer and bring to the table is a great deal of experience with respect to leadership, motivating and managing both people and resources, to work collectively toward accomplishing and achieving, not

only personal goals, but the overall goals and the mission of the organization. The mission of the division is to provide timely and sound pathology and forensic science services to the justice system and to the citizens of Delaware, driven by the crimes committed and the deaths that occur in our state. He said that his 29 years with the Division of State Police has allowed him to become intimately familiar with the criminal justice system here in Delaware and with each of its stakeholders. He also fully recognizes and appreciates the very significant and critical role that the Division of Forensic Science plays in that criminal justice process.

Major Evans stated that his many years as a criminal investigator and as a witness in the Superior Courts of Delaware have taught him the critical importance of evidence integrity - from the documentation of chain of custody of that evidence, to the tracking of that evidence from the time it is initially collected at the crime scene, to the delivery to DFS for testing, and, ultimately, to the arrival in the courtroom as an exhibit for either the prosecution or the defense. Certainly, he said, his experience with the Division of State Police will carry over and help in that regard, but the position of Director here at DFS will be focused on the leadership and administrative functions within the division.

Major Evans said the best of any organization, of every organization, is its people and that is no different here within DFS. When he says that, he means that there is a core group of very dedicated, talented, skilled, competent employees who work here and have always been very professional and have continuously worked to the standards that are expected of them. Still, as a result of the situation that occurred back in 2014, they may have been interviewed as a witness in a criminal investigation and certainly every one of their actions, from that point to today, have been very carefully scrutinized. Yet, he said, they have done nothing wrong, they have “weathered the storm”, and they remain here today so he certainly believes that a great deal of attention should be focused on that group of people. He believes that is where it starts - insuring that we are able to provide the dedicated staff here with opportunities through training, and be able to provide them with the equipment, instrumentation, and an adequate and safe working environment – that’s where it starts. Major Evans believes

that if we work with everyone in identifying realistic expectations and realistic goals, it will greatly improve overall job satisfaction. For most of his career with the Division of State Police, he has been involved with either first-line supervision, or mid- to upper level management, and that has provided him with the opportunity, not only to develop personal goals, but to work with others in identifying their goals and working with them to develop workable, obtainable action plans toward achieving those goals. He said that treating people as a transparent leader, treating people with respect and fairness, listening to people, and working together with realistic goals in mind, have been his guiding principles while with the Division of State Police and he certainly plans on bringing those guiding principles with him to the Division of Forensic Science.

Major Evans posed the question - have we been met with frustrations and concerns, and he answered, sure we have. He said we haven't received the support in terms of funding and staffing that we had hoped for as we had asked for as a Commission, but not to sound cliché, we need to take those challenges and frustrations and turn them into opportunities.

Major Evans thinks it is a critical time for the division and he says that because we're going into a new legislative session, and we will soon (January 2017), transition into a new governorship. Major Evans said this an exciting time for us and his hope with the people here at DFS, and certainly the Commission, and the leadership at DFS, remain enthusiastic and passionate and we share that enthusiasm and passion with the legislators and with the new governor in hopes of not only insuring that this division succeeds in meeting its mission, but that we move beyond and we become very progressive and become the state-of-the-art forensic science facility that the State of Delaware, the criminal justice system, and the people of Delaware certainly deserve. This, he said, will be his focus as Director. Again, he certainly appreciates the support of the Commission and looks forward to working with the Commission and with the good people here at DFS in moving toward that goal.

- Secretary Landgraf thanked Major Evans and asked if there were any comments or questions before we move forward.

- Representative Mitchell said he would first like to offer his congratulations to Major Evans on his appointment. As far as the funding, said Representative Mitchell, he hopes that Major Evans, going forward in his new position, and whether it be Secretary Mosley or a new Secretary, and the next General Assembly, that when we move forward, it is made obvious that we do need this funding to make our job a lot easier, and quite frankly, to make this operation run correctly. So, he said, it is his hope that in the future we do make those requests contrary to what the administration would like because it needs to be put out there. The legislature needs to see the true picture, not the picture of what the administration wants them to see. He hopes going forward that this is the case. Representative Mitchell said he is not here to say they are going to be able to fund everything that is asked for, but he is here to say that a correct, true picture should be presented of what is really needed for this facility to operate.
- Secretary Landgraf responded that this will probably be the role of the Commission. She said as Representative Mitchell is aware, from being in the administration, the priorities that come out of the Governor's recommended budget are typically supported. But, she said, the value of the Commission is that we have a more intimate picture relative to what is occurring within the Division of Forensic Science. She believes part of the intent of the legislative branch was to create a Commission to provide that private/public oversight and then for the Commission to be able to voice when things do not adequately appear in that budget process. The Secretary said so the General Assembly then can make the decisions they need to make if they are not part of the Governor's recommended budget. Representative Mitchell said he recognizes that and certainly agrees with the Commission's role, he just wanted to ensure a true and correct picture is presented. Secretary Landgraf said that will be a vital part of the work that comes before the Commission in order to reflect that. She then asked Secretary Mosley if he agreed and he replied, yes, he totally agrees.
- Registered Nurse Anita Symonds said, going with that same type of conversation, she would like to see that the reports be separated a little bit more than they have been in

the past as to what the Commission is requesting. It will obviously feed off of the report that DFS will be giving us, stated Ms. Symonds, but to separate them and say this is the Commission and this is our report based on all of our findings. By doing this, she said, it separates the two a little bit more. Additionally, she would like to take this opportunity to congratulate Major Evans and thank him for taking the Director's position because she thinks he will be a positive asset to this facility and to the staff of DFS. Major Evans thanked Ms. Symonds for her good wishes.

- Secretary Landgraf said she would like to verify that there is not yet a starting date put forth for the Director's appointment, and Secretary Mosley responded, no, there is not. He said Major Evans is currently active with the DSP and he will work with Colonel McQueen and DSHS HR to ascertain his effective date as Director. The Secretary said that she and her co-chair, Chief Hughes, will then have a vacancy on the Commission so we'll need to talk about filling that vacancy so that we don't lose another lens from the Commission work. Secretary Landgraf said that when Major Evans' start date is realized, they would like to fill the Commission vacancy as soon as possible. She said we want to be able to align those dates appropriately as we move forward. Secretary Landgraf thanked Major Evans for taking on this new role and said we look forward to continuing to see him around this table.
- Secretary Landgraf asked if there were any other comments or questions, and hearing none, she moved the meeting forward to Acting Director Kimberly Chandler, who has taken on this responsibility after the resignation of Mr. Wolf. Secretary Landgraf noted that Director Chandler has been quite busy doing a variety of things and asked if she would provide us with an update on those activities.

#### **4. DFS Update**

- Director Chandler said she would like to share a few things with the Commission. She said she became Acting Director effective August 1<sup>st</sup>, and so from then until now, she has been working on a few projects with the staff here to try to keep things moving until we were able to fill the position permanently.

- As most are aware, she said, Mike Wolf had undertaken a project for a new ventilation system for this building. Director Chandler said that process is moving forward and she is currently working with the Veterans Administration so that DFS can use their morgue during our shutdown. She continued that Mike Wolf and Dr. Collins had started those conversations but they were just on a verbal basis, so she is working on a formal MOU (Memorandum of Understanding) so that we will have something in writing which will allow our pathologists to conduct autopsies there during our shutdown. We are looking at the ventilation project to begin at the end of the year or the very start of the next year and we are working getting that in place. Secretary Landgraf would like to verify that Director Chandler meant the end of this calendar year, and Ms. Chandler replied, yes – the project will begin the end of 2016 or the beginning of 2017.
- To piggyback off of what was discussed at the last Commission meeting in terms of additional staffing and equipment, said Director Chandler, we are working with the Office of Budget and Management (OMB). Both she and Joe Swiski, DSHS Chief of Administration, have met with OMB officials to talk about the additional resources needed here in terms of staffing and equipment. As for the staffing requirement (which was also mentioned in the DFS Annual Report), DFS needs five additional chemists for drug testing and four chemists are needed in DNA. The division would also need more equipment if we were to get the additional positions so we could potentially have everyone working at the same time or we could institute additional shifts. According to Mike Wolf's assessment, she said, these additional resources would then allow us to be able to process the New Castle County drug cases, as well as all other cases in Delaware. Director Chandler said we have not yet gotten a response regarding our requests, but we did start that conversation with them and we think the meeting with OMB went well and they were receptive. Now, said Director Chandler, we are waiting to hear back from them.



- As you may know, said Director Chandler, another ongoing concern with filling the chemist positions is that it's a lengthy process. Once they are selected, she said, they have to go through training and certifications, and unfortunately, sometimes that can take up to six to nine months before the new chemists are actually ready to process cases. So although we are progressing in that regard, it is a slow moving process that we have to deal with and there is no way to get around that delay once we bring folks aboard.
- One other thing, noted Director Chandler, is that we have had some discussions around the need for a newer, larger facility which was also included in our annual report and that's not going away. She said we did make a request for funding for a feasibility study early on, but we did not get it. Director Chandler said that we are exploring all options to obtain funding. We have reached out to the Criminal Justice Council (CJC) to see if they could provide some grant funding, we have reached out to the city of Wilmington, we have reached out to any non-profits who may be able to assist us in getting that study started; that is the first step. The CJC has been very receptive and they have identified some funds we may be able to use and we would need some more to add to that, but that could be our starting point. Director Chandler said, hopefully by the next time we get together, she will be able to share more on that with the Commission but wants to get that process started. She continued that that the feasibility study would actually be the jump-off point for us to: a) take a look at what we need, b) how do we proceed from here, and c) what about consolidating everything under one roof. This would be our starting point to get us going so we need to patch together some funding to get that off the ground; and then, of course, the administration would have to jump in and take us to the next step. She said that is all she has to share at this point.
- Ms. Lisa Schwind said she had a couple of questions. She said that the morgue project is a million dollar project; isn't that correct. Secretary Mosley answered, yes; the costs are projected to run around \$900K - \$1M. Ms. Schwind would like to know if that is going to help with the 2019 National Association of Medical Examiners

(N.A.M.E.) reaccreditation. She asked if DFS is still going to lose accreditation even though they are spending a million dollars. Director Chandler said, yes, what that money is actually going to do is improve the ventilation for the folks who are here right now so that they will have better working conditions and won't have that smell throughout the building. Director Chandler said it is her understanding that the accreditation process issues are based on the facility itself - the size, the working conditions, the space, etc., so the installation of a new ventilation system is not going to change what is required for reaccreditation. Secretary Landgraf added that is why we are also looking at how we can get a variety of funding to get that feasibility study done because, regardless of the timing of a new building, we will always need a feasibility study so we are thinking that is a great starting point. She said that Secretary Mosley, Director Chandler and she met with met with CJC Director, Chris Kervick, to learn if there were any opportunities where we could put together funding outside of the general budget in order to advance this feasibility study. She said he brought up some great ideas and Director Chandler is also going outside of that to find what other matching funds can be obtained to better support the feasibility study. Secretary Landgraf said that we are also going to re-evaluate what the cost would be for a good feasibility study and that work is occurring right now, but we are hoping that we are able at least to get the study in play because, regardless, we would need it in order to even advance to any new type of building. Ms. Schwind agreed and said the sooner we do that, the sooner we stop pouring a lot of money into this building. Yes, said Secretary Landgraf, that is why we made that a priority; she said we need the study regardless, so let's get that moving.

- Ms. Lisa Schwind recalled that there was a fire alarm project mentioned at the last meeting at the cost of a half-million dollars and that was supposed to be starting soon. Secretary Landgraf said she heard that the alarm system was going off with false alarms and asked Director Chandler if she could provide an update on that project. Director Chandler said the fire alarm system was unsatisfactory and that the work was not an option; we could not delay the project. She then referred the

status of this project to COO Rebecca Walker. COO Walker said the work on the fire alarm system had to be done; half of building did not have sprinkler systems installed according to code so the entire building was out of code according to Wilmington Fire Department requirements. She said that is the reason we had to have the fire alarm system completely upgraded, plus the alarm panel was also found to be out of code and had to be updated. With the installation of new sprinkler systems and updated fire alarm panel, the building is now up to code. She said she is pleased to report that the fire alarm work is completed and the electrical work was finished two weekends ago.

- Ms. Schwind said she had one more question regarding the nine new chemist positions. She asked if they would be working the night shift as there doesn't seem to be anywhere to put them currently. Secretary Mosley said we are looking at different options. Ms. Schwind asked if having people working the night shift would be an issue with the reaccreditation. Director Chandler said, no. Secretary Mosley said the availability of space is one of the issues with reaccreditation. He said what it all boils down to is square footage – we just don't have the space – we can't go up, out, or under this building, so this building is kind of out of the question.
- Secretary Mosley recounted that conversations have been held with the Wilmington Economic Development Council and DFS provided them with the square footage and unique needs of this facility. He continued that they did get back to him with a couple of buildings and we looked at what they had in mind; however, one of which we did not consider due to safety concerns. We need to keep in mind the safety of our employees when looking at the locations being offered. Secretary Mosley said we will work with the CJC and, hopefully, at least we will come up with some funding for the feasibility study.
- DAG Sean Lugg acknowledged working shifts would be a great idea to maximize the use of the building. However, he said, he would like DFS to keep in mind that as the courts are essentially clients of DFS' services, the new chemists may be working say,

4x12, but the courts operate during daytime hours (8:30 to 5:00). And, he said, for those working a 4x12 shift, DFS should take into account there will be a need for them to come in to work during those hours which also may cause fluctuations in overtime costs. He said that if and when we are able to hire people for a 4x12 shift, those individuals need to understand that although their primary focus is 4x12, there will be times that they will be required to come in during daytime hours. Yes, said Director Mosley, those requirements will be included as part of their basic training. DAG Lugg said he appreciates DFS' understanding and agreement and he is glad to hear it will be part of their training.

- Major Evans said he is wondering that perhaps while we take this step to actually close the autopsy suite and relocate that mission over to the VA in Elsmere, perhaps we should take better advantage of that, and by that he means - perhaps Secretary Mosley or COO Walker would be better informed at this point - but he understands there are other things that will prevent DFS from getting the N.A.M.E. reaccreditation. Major Evans explained these other things, such as, the flooring in the autopsy suite with the grout in the tiles, and the other section where there is one table where we don't actually perform autopsies. Perhaps, he said, maybe we can remodel that and add another table down there. Major Evans said then if we take care of the floor situation - perhaps these are the things we can take advantage of doing during the shutdown to get us closer to being reaccredited, even if we don't move out of the building. Secretary Landgraf said to confirm what Major Evans is saying is that while the ventilation project is being accomplished, DFS could see if there are opportunities to at least bring this building up to the standards faced in N.A.M.E. reaccreditation. COO Walker added that part of the ventilation system project is also going to include an update to the refrigeration walk-in unit, and even though this work will not provide additional capacity, it will upgrade it and that will be going on at the same time as the ventilation installation. Secretary Landgraf asked if DFS has in writing somewhere exactly what is required for N.A.M.E. accreditation since that would be beneficial to provide to whatever organization is going to conduct the feasibility study. With that

information, said Secretary Landgraf, the firm conducting the study could even look at whether or not there is a possibility of a remedy to the existing building. She said the more that we are able to provide that level of data for them, the easier it might be for them to produce that feasibility study and document why this building may not be in our best interest to expand upon. Secretary Landgraf asked how long the autopsy suite is going to be shut down and if DFS has the name of the organization who will be doing the actual work. Secretary Mosley answered that the work should take three months and the project is currently out for bid.

- Registered Nurse Anita Symonds asked if we have access and did we see the details of the report from N.A.M.E. as to what is required for accreditation to occur. Secretary Landgraf confirmed with Chief Hughes that a copy of the N.A.M.E. report can be obtained and that information could also be provided to the organization who will be conducting the feasibility study.
- Secretary Mosley would like to talk briefly about NMS, which is the organization to whom we outsource our lab work. He said that Major Evans, COO Walker, and he have had a conversation with Dr. Meaker, from NMS, and what he offered was a temporary aid as to what is needed; however, it certainly is not a “do all/be all” fix. Secretary Landgraf asked for confirmation that DFS is still doing drug testing here. Secretary Mosley said, yes, drug testing is still being done at DFS, but now both DFS and NMS are experiencing a backlog in their caseload. Backlogged cases are currently at 80 cases per month and this is with both DFS and NMS doing the work; it seems they still cannot keep up and that is not taking into account New Castle County cases. Secretary Mosley said that Dr. Meaker made DFS an offer and he thinks it is something we should look into. However, he said, note that It is a temporary fix being offered based on DFS’ schedule, with a 30-day out clause if needed. Secretary Mosley then asked Major Evans to please speak on this matter in further detail. Major Evans explained that in February 2016, DFS began to achieve their maximum capacity for processing cases. Due to the situation in 2014, NMS was initially brought on to deal with the 300 critical need cases defined by the Department of Justice.

Major Evans said that was the beginning of the working agreement between NMS and DFS - that they would take on these 300 critical need cases and turn them around in hopes of meeting court-established deadlines. Moving forward, said Major Evans, DFS worked internally with the Forensic Chemistry Unit in terms of bringing that lab up to standards and asked NMS to continue to provide analyses of DFS drug cases. As Secretary Mosley alluded, said Major Evans, in February 2016, NMS made clear to us that they were beginning to experience a backlog with our cases and there became an average of 80 backlogged cases per month from February to August. He said NMS has only limited staffing as well and certainly they have other clients for whom they perform work and this created a backlog. Major Evans thinks we are now finding ourselves getting dangerously close to the situation we experienced in 2014, meaning that we may find ourselves in a situation where we are not meeting those court-established deadlines for drug analyses and we certainly don't want that revisited.

- Major Evans reported that a meeting was held on August 24<sup>th</sup> with Dr. Meaker, from NMS, and one proposal was that they can come to our state and essentially set up a satellite lab. NMS has done this already, as they have a satellite lab in Florida, two in North Carolina and one in Texas. Major Evans said this opportunity is one where they would provide certified staffing, certified and calibrated equipment, and the litigation package that we currently have with them, which means they would provide the necessary reports for courtroom testimony and they also would have their people available to testify as experts at trial. Major Evans said that what the state would have to provide is a location, a facility for them to work in. He said that based on the current caseload and backlog with the State of Delaware, they are looking at 800 exhibits per month (there are many exhibits per sample) and doing the math, Dr. Meaker said that would equate to a staff of 4 or 5 people in order to satisfy that caseload and would take ~6 months to be up and running. The building space required would be approximately 800 sq. ft. for office and also breakroom space on top of that which shouldn't be a significant amount of square footage. Major Evans shared that the most attractive parts of their proposal that he took away were: 1) the guarantee of a 21-day turnaround time, and 2) year to year contract with the 30-day out clause.

Major Evans said we carried this conversation on further internally and it was suggested that perhaps, as we evolve with our Forensic Chemistry Unit here, we might locate a satellite lab in Kent or Sussex County; thereby allowing that lab to focus on drug cases that are brought in downstate; whereas this drug lab could focus on New Castle County cases. Major Evans said that this was a preliminary conversation between NMS, the Secretary, COO Walker and myself and the three of us deemed it worthy of further discussion. He said that a very rough annual cost estimate from NMS was \$1.5 - \$2 million.

- Director Chandler explained that when we learned of concerns from NMS and the courts regarding the backlogging of cases, this was a proactive step on our part to find out: what can we do; how can we address this; if we can't do it this way, there's got to be another option - so this is just another option that we came up with. She said we want to avoid any issues of not processing court cases in a timely manner. Ms. Schwind questioned the meaning of us being "dangerously close to not meeting court deadlines". Secretary Mosley said that when the evidence comes in through DFS, it has a specific timeline and it has to be processed according to that timeline. Ms. Schwind agreed but would like to know how far away DFS is from that red mark. Secretary Mosley said as a result of not being able to meet those deadlines, is why the continued outsourcing and again, with our lab and NMS processing cases, we are still running an 80-case per month backlog. Director Chandler added that it requires a lot of monitoring and we are not aware of missing any deadlines but we are constantly monitoring and communicating with the courts to verify what has been processed and what is needed when. We are continuously keeping a line of communication open as to what cases are being processed.
- Ms. Schwind then said so there is no possibility, with the staffing that we have here, we could ever bring back the cases in New Castle County. Secretary Mosley said that is correct, not with current staffing levels. DAG Lugg queried if there would be a facility rental fee in relation to the costs associated with a satellite NMS lab,

on top of the estimated annual cost. Secretary Mosley said, no; one of NMS' conditions was that we provide space but there is no additional cost. Ms. Schwind questioned if the new location would have to be a specialized space with venting for hoods, etc. Secretary Mosley said DFS is now looking at the possibility of a location in either Kent or Sussex, rather than New Castle County and we are looking for a space that would meet our requirements. Secretary Landgraf said the square footage needed might be in the inventory that the State already has and we might be able to maximize current available space rather than trying to find new space, which would add another cost to it. Secretary Mosley noted that there was one concern expressed around whether we could bring in a contractor and put them in one of our buildings, from a legal perspective, and it appears that it is okay to do.

- Chief Hughes questioned the amount of square footage mentioned for the satellite lab. He said the NMS staff working area required is 800 sq. ft. but he thinks we would need to look at another 200 sq. ft. for the break area, plus at least another 200 sq. ft. for restrooms, and then at least another 200 sq. ft. in order to secure stored evidence. Chief Hughes said this all adds up and although he thinks this is an excellent discussion to have, we need to make sure there is appropriate retrofitting of the selected space.
- Chief Hughes said another item he would like to discuss is accreditation. He knows that NMS comes in with a certain amount of accreditation but DFS is ASCLD accredited now and should they not be testing according to our standards. Secretary Mosley said Dr. Meaker assured us that they will meet all requirements of the State. Ms. Schwind said we have our own security systems for State buildings but is NMS providing their own security. Secretary Mosley said the intent is to provide them with a space that already has security. DAG Lugg asked if DFS is thinking about a State Police or Capitol Police monitored facility. Secretary Landgraf said that would be great if it can be worked out that way.
- Secretary Landgraf said it sounds as though there has been no commitment made yet on that proposal and Secretary Mosley, said, that is correct, we have not made such a



commitment. Major Evans reiterated that this was a very preliminary, basic conversation. He said we did not jump right into the weeds, therefore, many of the questions raised here today were questions not explored in any depth with Dr. Meaker at the time. We just heard what he had to say and thought it worthy of further discussion and wanted to bring it before the Commission.

- Ms. Lisa Schwind said, just for comparison purposes, with NMS supplying an additional 4 or 5 chemists at \$1.5 to \$2 million and supplying their own equipment; how does that compare – is it cheaper for us to be doing this work ourselves. Secretary Mosley said that COO Walker indicated it is cheaper for us to perform the work.
- DAG Sean Lugg said since we know that DFS is not going to be able to bring on board 3 or 4 more chemists tomorrow and be up and running in six months, plus there isn't adequate space to put more people, that we, as a Commission, need to look at the \$3 million being currently put out annually. With the NMS proposal of \$1.5-\$2 million per year, he said, this plan would reduce our annual outlay to NMS by one-half to one-third. He said it sounds like it is something that we, and Major Evans in his new role, if recommended as a Commission, could agree on and would give us a year of time to work on getting the feasibility study and other things, all the while able to guarantee service to justice to make sure our deadlines are being met. Secretary Landgraf said this is a plan of action that can support immediate needs and also prevent any future backlogging of cases. DAG Lugg said we needed a plan to move forward and he thinks this does provide such a plan and that's a good thing.
- Secretary Mosley cautioned that we will have the accreditation issues which will return in 2019 so we need to still stay on top of it. Secretary Landgraf said this proposal is a recommendation to prevent any harm to the timeliness of justice, however, it also buys us time to find a more permanent outcome for DFS in creating a facility serving the entire State of Delaware.

- Secretary Landgraf recalled that at the beginning of this meeting it was said that we will probably have some updates which reflect back on the previous meeting minutes and some items have been updated. Before we move on to the next agenda item, Secretary Landgraf asked if anyone had any additional DFS questions or updates.
- Ms. Lisa Schwind asked if the x-ray machine in the Georgetown office has been repaired. COO Rebecca Walker answered, yes; everything has been updated, repaired, replaced and working as of last Thursday. Ms. Schwind asked if this applies to both x-ray machines, downstate and here. COO Walker said, yes, both machines have been upgraded - all the software systems updated and new computers installed. She said we accomplished this through our partnering with DTI and we appreciate their hard work.
- Ms. Schwind asked, also as a follow-up, about the open Pathologist position downstate. COO Rebecca Walker said no action has taken place to-date. Secretary Landgraf said does that mean there have been no applicants for the position, and COO Walker responded, that is correct. DAG Sean Lugg asked if DFS were recruiting outside of posting. COO Walker said yes, we have inquired through N.A.M.E. and other groups without success. Ms. Schwind wondered what the reasons were for not being able to fill this position. COO Walker responded that we believe there are several reasons, i.e., location, lack of resources in the area, requirement of being board-certified, the need to work independently, and it is a part-time position.
- Ms. Schwind asked if the Georgetown facility would remain certified and COO Walker said, yes; it is independently certified and not tied to the Wilmington location.
- R.N. Anita Symonds asked if this were the only part-time position posted or was there also one posted for Wilmington. COO Walker said, no; the only pathologist opening is the one in Georgetown and it is part-time. She then asked if we think that perhaps because it is a part-time position, that is the reason there is no response. COO Walker said she would suspect that is part of it. Ms. Schwind said that the

Georgetown position used to be full-time. COO Walker said that the part-time position is being based on workload. Director Chandler said she does not have the exact figures but she believes that 80% of all cases are New Castle or Kent County and very few from Sussex.

- Secretary Landgraf asked COO Walker if, for the next meeting, she would prepare data around those statistics mentioned by Director Chandler. She believes the data will at least give us a sense, relative from a timeline perspective, what the Georgetown office activity does look like as DFS continues to look at recruitment for that office. Secretary Landgraf believes it will be beneficial for DFS to monitor that data so that we can see, not only what is occurring, what has occurred, regarding the number of autopsies, but also be proactive as we go forward with some of the challenges COO Walker is describing relative to the recruitment process. Secretary Landgraf said the ultimate goal is to have someone there full time but thinks it is good to monitor that data to see what has been occurring this past year.
- Secretary Landgraf asked if there were any updates regarding a universal barcoding system. Major Evans said that the barcoding system has not yet been formalized and he does not have any updates. He said that he was under the impression this is currently in the hands of DELJIS (specifically, Peggy Bell) and it would be worked on by DELJIS because of their common platform. COO Walker added that aside from the effort for a statewide barcoding system, the barcoding system for DFS has been implemented. Major Evans said that DELJIS is still working on developing a program leveraging LEISS which can be used statewide. The one step he does not think has been addressed with DTI yet is making sure that whatever system DELJIS develops that it is compatible with the internal FLIMS system here so that the barcoding performed out on the street at a crime scene can carry right in through the internal FLIMS barcoding system. Major Evans said that after this meeting, he will contact Peggy Bell and see where the development of the barcoding system stands presently. Secretary Mosley noted that his most recent conversation with Peggy Bell was one about the development of a “cloud” service platform and she was still researching it.

- With no further questions regarding DFS, Secretary Landgraf turned the meeting over to Dr. Watson for an update on the Standards & Certifications Advisory Committee.

## **5. Standards & Certifications Advisory Committee**

- Dr. Watson stated the committee last met on May 18, 2016 and were pretty much out of commission over the summer. She said the next meeting is scheduled for September 21, 2016 and also wanted to inform the Commission that there is a change in their membership. She reported that Ms. Lisa Schwind stepped down. Ms. Schwind said she left because she was also on the Strategic Planning Committee and was the only person serving on two committees and had entirely too much on her plate. However, she did recommend someone who is a seasoned forensic person to replace her. Dr. Watson said although we did not see the need for a replacement, there was no opposition to doing so.
- Dr. Watson stated that she does have one question and that concerns if there is a real need for this committee. She said that because we have just gone through the accreditation process with ASCLD, is there really a need for the committee to be active full time, or is it something that can be reactivated because there seems to be an overlap with the other committee. Secretary Landgraf said that Dr. Watson is referring to the Strategic Planning Advisory Committee. Dr. Watson said, yes, because when we were working on our proposal, one of the things that we discussed were the low retention rates of staff members which is also on the other committee's agenda. We also talked about requesting funds for professional development and certifications, but additional funds had already been allocated so we decided to delay that request and see how the rest of the year played out. She said one of the other items that the committee didn't quite agree on was changing the culture within the organization, hiring staff members to achieve

certifications or keep them. Again, she said, it seems like there is some overlap with what Major Evans' committee is trying to accomplish in terms of bringing everything up to higher standards. So, she said, these are the main reasons we delayed providing a report to the Commission to see if there really is a need for this committee to be active right now and that is something the Commission will have to decide. Secretary Landgraf asked if anyone had any thoughts on this.

- Chief Hughes said he has a few random thoughts, i.e., DFS still has N.A.M.E. accreditation pending and he likes that there is a committee who will take a look at these things in-house, but also to Dr. Watson's point about the individual certifications, it is good to have an advocate for them and obtain the training funds. He thinks it is important for Dr. Watson's committee to stay together because we do need to keep advocating for more education. He said that the more training we have, the better for the culture of the entire division.
- Dr. Watson said that the main reason for this Committee's formation was to increase the employee's qualifications and raise the level of expectations, but we also need to increase the level of pay if we are going to expect more from people and that's where she saw an overlap with the other committee.
- Secretary Landgraf said perhaps the Committee could look at the activity in a given market within the region or go outside of that – within the nation. The committee could also explore some states which have relationships with institutions of higher learning and then we could start to explore and learn where our institutions of higher learning come in to play. She said the committee could also explore why DFS attracts good professional people but are not able to retain them; where are the gaps that make Delaware different from other states. She said perhaps explore Rhode Island as it is similar in

size to Delaware or other states that have a lower population base.

Dr. Watson said that these are very good points. Secretary Landgraf said we have been focusing on day to day, for a good reason, but we also need to think and explore long term solutions. She said in 10 or 20 years, what do we want this division to look like and what are the things that currently missing.

- Ms. Schwind said she also thinks this committee should stay together and with the professionals who are part of that committee could assist with finding webinars, free courses, and know what is going on with certifications – what is required, what memberships we could belong to, etc. They could look at what is required for all of these things.
- Dr. Watson's biggest concern is that if it becomes "required" for staff members to become certified, how are we going to incentivize them to seek additional training and/or require certifications. Dr. Watson said we need to come up with, perhaps time away or money .... we need to change these types of things in order to change the culture and expectations. Secretary Landgraf said that the Strategic Committee then could identify from a timing perspective what are those priorities and do so based on what is provided by Dr. Watson's committee.
- Also, said Dr. Watson, for the record, we are not the only ones with a low retention rate, just down the road, Dover Air Force Base experiences the same thing.
- R.N. Anita Symonds said she does not think it's always monetary, she believes it should be about having pride in what you do and then working by best practices and that would have to be a cultural change to make.

- Secretary Landgraf asked if there were any more questions/comments for Dr. Watson, and hearing none, she then moved the meeting forward to Major Evans for an update on the Strategic Planning Advisory Committee.

## **6. Strategic Planning Advisory Committee**

- Major Evans reported they had a meeting last week and he is happy to say there was a quorum so they were able to vote and approve several meeting minutes that were in the queue. He said that anyone in the public can access our minutes on the public meeting website. He said, as previously reported, committee members have put in a lot of hard work and took a lot of time out of their schedules to go around and visit the medical examiner offices and crime labs in surrounding states. Our committee was focused and had identified 7 or 8 key action items as a path forward. He said that the committee is currently in a holding pattern because the committee did identify the feasibility study as something that is the first step in moving this division forward. But, having said that, we did briefly update some of the other key action items as follows:
  - Barcoding: The relationship between DTI and DELJIS is moving forward.
  - Internships: Dr. Lehman, a committee member from the University of Delaware, reported that he has a strong and vigorous internship program starting up. We have had several interns come through our doors, said Major Evans, and it is a lot of work, but he is encouraged because we have a lot of local talent that we may not be taking advantage of and also bringing interns is a good recruitment effort. Dr. Watson said they also have an internship program at Delaware State University and we have a new initiative preparing students for the workforce. She said DSU has had a couple of students come in here through the intern program and would like to see this increase. Major Evans suggested that maybe going forward, we could hold some meetings between the universities and DFS and talk about what their expectations are, which would help their curriculum and the DFS intern program.

- Major Evans reiterated that this is a critical, but exciting time, for DFS, meaning that we have a new legislative session coming up and a new administration. He recalled that we briefly talked about a transition book. He said that the Division of State Police actually have a 3-ring binder listing the critical needs, ongoing initiatives, funding and staffing challenges – whatever is thought necessary to provide a snapshot of the overall agency. This binder is provided to the incoming transition team and it has been very well received. As a committee, we want to bring this forward to the Commission that perhaps we do something along that order by starting to prepare a similar transition-type document to provide to incoming administration. The Commission could also add to this the key pieces that are relative to their perspective. DAG Lugg suggested this document be made available to the legislative members themselves as there will be transition there also and they will have a full understanding when going in of the real issues at DFS.
- Secretary Landgraf thanked Major Evans and his report and moved the meeting forward to the Open Discussion part of the agenda.

## **7. Commission Members Open Discussion**

- Secretary Landgraf said she and Dr. Walker attended the National Governor's Association meeting in Washington, D.C. They participated in what are called "learning labs", where a state can bring a team along to look at data sharing, primarily because of the opiate/heroin epidemic. She said every state was allowed to bring five associates. She took the responsibility of applying and our state was one of the states that participated in the learning lab. It is six months' worth of technical work from the NGA and New Jersey is held up as the model for data sharing as it is spread across all of their systems. We went there at the end of August; we had a day and a half to look at that model and made good contacts with New Jersey folks and brought that back to Delaware. We meet every two weeks as our learning lab team but because we are in transition, we are taking a 6-month plan of action and are making it a 3-month plan so



we have a real sense of urgency to complete this action plan. She said that HIDTA is also part of this and are working on creating a regional database. Secretary Landgraf said she just wanted to share with the Commission the work that is going on and thank Dr. Walker for her leadership in that arena.

- Chief Hughes noted that there has been a tremendous amount of change at DFS since 2014 and a number of people have worked very hard, but there is a core group that has worked extremely hard. He thinks it very important for us to recognize that work going on here and would like to say to Dr. Walker, Robyn Quinn, Jessica Smith, Johna Esposito, Amrita Lal-Paterson and Dr. Collins – who are the core leadership doing tremendous work under very trying times – my hat is off to them. He said they have what we need here - they are good people and deserve the best and give their best and they deserve recognition.
- Ms. Lisa Schwind asked if DFS had any CAR reports. COO Walker said that we thought DAG Lisa Morris would be here for that, but she was unable to come in. We will provide those reports at our next meeting.
- Hearing no other questions/concerns, Secretary Landgraf requested a motion to adjourn.

## 6. Adjourn

- Secretary Mosley made a motion to adjourn the meeting and Anita Symonds seconded the motion, which was unanimously approved by voting members of the Commission present.
- The meeting adjourned at 11:50 a.m.

**Next Meeting: Monday, November 14, 2016**

10:00 am – 12:00 am

Location: DFS, 200 South Adams Street, Wilmington, DE

1<sup>st</sup> Floor Conference Room